

## REMARKS

In the Office Action mailed December 1, 2004, claims 1-10, 12-23, 25-29, and 31-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 6,265,522) in view of Ringler et al. (U.S. Patent No. 3,582,398). Claims 11, 24, and 30 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-33 remain active in the application. No new matter has been added.

First, claims 1-10, 12-23, 25-29, and 31-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 6,265,522) in view of Ringler et al. (U.S. Patent No. 3,582,398). This rejection is respectfully traversed.

Brunelle et al. generally discuss thermally stable polymers comprising resorcinol arylate chain members. Particularly, the polymer comprising resorcinol arylate polyester chain members is used as a coating layer for a multilayer article. See, for example, Col. 21, lines 11-18.

Ringler et al. generally discuss a thermoplastic fabricated part having improved optical properties. The substrate is typically a polycarbonate resin and contains a transparent coating of polymethyl methacrylate (PMMA). See, for example, Claim 1.

Brunelle et al. fails to teach, suggest, or disclose the recited invention as claimed in independent claims 1, 15, and 28. Specifically, Brunelle et al. do not teach, suggest, or disclose a multilayer article comprising at least one substrate comprising a first material, and intermediate layer, and a surface film comprising a thermoplastic polyester different from said intermediate layer, wherein the surface film and intermediate layer are both

transparent and the intermediate layer has an index of refraction lower than the index of refraction of the surface film. Brunelle et al. generally discusses a polymer consisting essentially of resorcinol arylate polyester chain members. The polymer of Brunelle et al. can be used in a multilayer article as a coating layer. See, for example, Col. 18, lines 7 through 14. Brunelle et al. provide no guidance or motivation for one skilled in the art to provide a multilayer article wherein the surface film and intermediate layer are both transparent and the intermediate layer has an index of refraction lower than the index of refraction of the surface film. *In re Wright* states that "it is the invention as a whole that must be considered in obviousness determinations. The invention as a whole embraces the structure, its properties, and the problem it solves, [viewed in light of the teachings of the prior art]." 6 U.S.P.Q.2d 1959, 1961 (Fed. Cir. 1988). "Factors including unexpected results, new features, solution of a different problem, novel properties, are all considerations in the determination of obviousness in terms of 35 U.S.C. § 103." *Id.* at 1962. The present disclosure solves the problem of photoyellowing of polymeric multilayer articles. The present disclosure is a multilayer article with reduced photoyellowing due to the refractive index of the intermediate layer in relation to the refractive index of the surface film. For instance, in the Examples of the present disclosure, an unexpected benefit is found where a multilayer article including an intermediate layer with a refractive index lower than the refractive index of a surface film. The multilayer articles exemplary of the present disclosure including an intermediate layer with a refractive index lower than the refractive index of a surface film consistently had a change of yellowness index about 2 units less than a control sample without an intermediate layer. Brunelle et al. fail to recognize that an intermediate layer

with a refractive index lower than the refractive index of a surface film has any benefits on the photoyellowing properties of a multilayer article.

Furthermore, Ringler et al. neither singly nor in any combination with the applied art teach, suggest, or disclose a multilayer article comprising, in part, "a multilayer article wherein the surface film and intermediate layer are both transparent and the intermediate layer has an index of refraction lower than the index of refraction of the surface film" as presently claimed. Ringler et al. are primarily concerned with a fabricated part having a polyacrylate layer and a polycarbonate layer. The polyacrylate layer described in Ringler et al. is either both the substrate and coating layer or the coating layer over a polycarbonate substrate. See Col. 2, line 60 through Col. 3, line 4. Ringler et al. make no mention of an intermediate layer. In particular, Ringler et al. make no mention of using a polyacrylate as an interlayer. Accordingly, Ringler et al. do not recognize the unexpected benefit of a multilayer article with an interlayer having an index of refraction lower than the index of refraction of a surface film. In view of the foregoing, it is respectfully submitted that the rejection of claims independent claims 1, 15, and 28 under 35 U.S.C. 103(a) based on Brunelle et al. in view of Ringler et al. should now be withdrawn.

Claims 2-10, 12-14, 16-23, 25-27, 29, and 31-33 depend either directly or indirectly from independent claims 1, 15, and 28 and are therefore believed to also be allowable for the reasons set forth above. In addition, the dependent claims set forth further limitations which patentably distinguish the invention over all the prior art of record. Accordingly, it is respectfully requested that the rejection of claims 1-10, 12-23, 25-29, and 31-33 should now be withdrawn.

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In view of the foregoing amendment and for the reasons set out above, it is respectfully submitted that claims 1-10, 12-23, 25-29, and 31-33 which stand rejected in this application, are patentably distinct from the art cited in the Office Action and are now in condition for allowance. Favorable action on these claims is requested.

Respectfully submitted,



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